

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE DISTRICT OF SOUTH CAROLINA

COLUMBIA DIVISION

FRANKLIN E. ROBSON,	)	
	)	
Plaintiff,	)	Civil Action No. 3:09-2553-MBS-JRM
v.	)	
	)	
	)	
COMMISSIONER OF SOCIAL	)	
SECURITY ADMINISTRATION,	)	<b>ORDER</b>
	)	
	)	
Defendant.	)	
_____	)	

Plaintiff paid the statutory filing fee and filed this case on September 30, 2009. The undersigned issued an order on October 6, 2009 authorizing service of the complaint, and directing the Clerk of Court to issue the summons. The summons was issued by the Clerk on October 6, 2009. Review of the docket reveals that there is no record that the Defendant has ever been served with the summons and complaint. Plaintiff is responsible for service of the summons and a copy of the original complaint on the Defendant and for providing proof to the Court that service has been effected in compliance with the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 4(c) and (l). The Federal Rules of Civil Procedure establish a time limitation for the service of the summons and complaint on this Defendant. Fed. R. Civ. P. 4(m) provides:

If a defendant is not served within 120 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time.



But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Pursuant to Rule 4(m), Plaintiff shall, on or before February 18, 2010, furnish this Court with:

(1) an appropriate proof of service showing that Defendant was served in compliance with the Federal Rules of Civil Procedure, or (2) show good cause why the Defendant has not been served as required by the Federal Rules of Civil Procedure. **Failure to do so will result in a recommendation that this case be dismissed.**

**AND IT IS SO ORDERED.**



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JOSEPH R. McCROREY  
UNITED STATES MAGISTRATE JUDGE

February 8, 2010  
Columbia, South Carolina